

target optical disc is qualified as the backup disc of the hybrid type source optical disc by comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc."

Claim 10 recites a system of creating a backup disc of a hybrid type source optical disc having a read-only storage area and a writable storage area. The claim 10 system comprises "a qualification determination part determining whether or not a target optical disc is qualified as the backup disc of the hybrid type source optical disc by comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc."

Claim 19 recites a computer-readable recording medium for storing a program to cause a computer to execute a procedure of creating a backup disc of a hybrid type source optical disc having a read-only storage area and a writable storage area, the procedure comprises "a qualification determination step of determining whether or not a target optical disc is qualified as the backup disc of the hybrid type source optical disc by comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc."

Applicant respectfully submits that Gehr, Tatano, and Iida, whether considered alone or in combination, fail to disclose, teach, or suggest at least the above limitations. The Office Action admits that Gehr fails to disclose the "qualification determination" step/part recited in claims 1, 10, and 19, but relies on Tatano as teaching this limitation. Tatano, however, does not disclose "comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc," as recited by claims 1, 10, and 19. Applicant respectfully notes that Tatano discloses a method for preventing the error of backup copying by checking the coincidence of the document control information of a copy destination recording

medium and a copy source recording medium up to the recorded final document of the copy destination recording medium. (Tatano, Abstract).

Specifically, Tatano discloses that "when the master recording medium is erroneously set as the copy destination recording medium, since identifying information for the backup is not recorded, the copying is not carried out." Tatano suggests that the checking process is for ensuring that the "identifying information for the backup" is recorded on what has been designated as the copy destination recording medium. If the identifying information for the backup is not recorded on the copy destination recording medium, then the copying procedure is not performed; this is not the same as "comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc," as recited by claims 1, 10, and 19. Accordingly, Tatano does not teach the "qualification determination" step/part. Furthermore, Iida also does not disclose, teach or suggest the "comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc," as recited by claims 1, 10, and 19. As such, Applicant submits that the cited combination fails to disclose the invention of claims 1, 10, and 19.

Claims 2-9 depend from claim 1 and are allowable for at least the same reasons. Claims 11-18 depend from claim 10 and are allowable for at least the same reasons. Claims 20-27 depend from claim 19 and are allowable for at least the same reasons. Applicant respectfully requests the rejection be withdrawn and claims 1-27 be allowed.

Claims 6, 15, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatano in view of Gehr and Iida, and in further view of Fairman et.

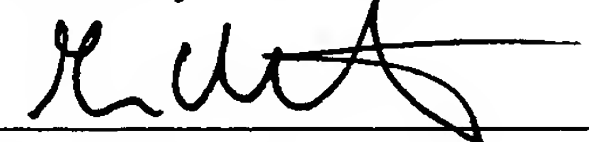
al. (U.S. Patent No. 6,898,172). The rejection is respectfully traversed and reconsideration is respectfully requested.

Claim 6 depends from claim 1. Claim 15 depends from claim 10. Claim 24 depends from claim 19. As discussed, neither Tatano, Gehr, or Iida disclose the "qualification determination" step/part. Applicant respectfully submits that Fairman also does not disclose "comparing the source optical disc to the target optical disc based on information recorded in the source optical disc and the target optical disc." Fairman fails to cure the deficiencies of the combination of Tatano, Gehr, and Iida. As such, Applicant respectfully submits that the Gehr, Tatano, Iida, and Fairman combination fails to disclose, teach, or suggest every limitation of claims 6, 15, and 24. Accordingly, Applicant respectfully requests the withdrawal of the rejection and allowance of the claims.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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